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Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ROBERT CASEY, an individual.

Plaintiffs,

V.

CITY OF SANTA ROSA, et al.

.

Case No.: **4:18-cv-07731-KAW**

STIPULATION AND ~~PROPOSED~~
ORDER FOR LEAVE TO AMEND
PLAINTIFF'S SECOND AMENDED
COMPLAINT

AS MODIFIED

1 IT IS HEREBY STIPULATED, and respectfully requested, by and between Plaintiff and
2 Defendant by and through their designated counsel, that:

3 WHEREAS, Plaintiff filed his Complaint on December 26, 2018. **Dckt #1.**

4 WHEREAS, Defendant answered on February 4, 2019. **Dckt #4.**

5 WHEREAS, Plaintiff filed his First Amended Complaint as a matter of right on February
6 21, 2019. **Dckt #12.**

7 WHEREAS, Plaintiff on or about February 28, 2019, Plaintiff learned that there was
8 reason to believe that Defendant Schmidt was not a Santa Rosa City employee but a Sonoma
9 County employee.

10 WHEREAS, Plaintiff intends to amend his Second Amended Complaint to correct the
11 mistake of naming Schmidt as a City Employee rather than County employee and include
12 Sonoma County as a Defendant.

13 WHEREAS, the parties agree and stipulate to allowing Plaintiff leave to amend his
14 complaint.

15 WHEREAS, for the aforementioned reasons, there exists good cause to amend the
16 Complaint to name the deputy and County involved as Defendants.

17 Therefore, all parties stipulate and respectfully request the Court permit Plaintiff to file a
18 Second Amended Complaint to correct the mistake of Defendant Schmidt's employee, and
19 include the County.

20 Further, the parties respectfully request that the Court vacate the present Case
21 Management Conference date to permit all the parties to make an appearance and participate in
22 the reciprocal Initial Disclosures and prepare a Joint Case Management Statement.

23 IT IS SO AGREED.

24 Dated: March 21, 2019

Law Offices of John L. Burris

/s/ Patrick M. Buelna

Patrick Buelna
Attorneys for Plaintiff

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1 Dated: March 21, 2019

City of Santa Rosa

2 /s/ John J. Fritsch

3 John Fritsch

Attorneys for Defendants

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5 **ORDER AS MODIFIED**

6 Per the stipulation of the parties, Plaintiff is granted leave to amend the complaint, and
7 shall file the second amended complaint within 14 days of this order.

8 Additionally, the April 9, 2019 case management conference is continued to July 9, 2019.
9 The joint case management statement is due by July 2, 2019.

10 IT IS SO ORDERED.

11 DATE: March 22, 2019

12 Kandis Westmore

13 HONORABLE KANDIS A. WESTMORE
U.S. MAGISTRATE JUDGE